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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/413,642	10/06/1999	KEN SAKAKIBARA	35.13892	2258
5514	7590	03/23/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HEWITT II, CALVIN L	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/413,642

**Applicant(s)**

SAKAKIBARA ET AL.

**Examiner**

Calvin L Hewitt II

**Art Unit**

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-21 and 23-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-21, and 23-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Status of Claims***

1. Claims 1, 3-21, and 23-41 have been examined.

***Response to Amendments***

2. As a reminder, in prior Office Actions the Examiner took the following Official Notices (papers no. 6, 8, 15 and 17):

the displaying of a user's image during a two-way multimedia exchange is well known. For example, during cable and television news segments, if a foreign correspondent is at a location that doesn't support the transmission of video data, a station will often provide viewers with a still image of the foreign correspondent and a map identifying his or her whereabouts

and

messages that informs a caller that the desired party (i.e. user/subscriber) is "on vacation", "on the other line", "at a meeting", "out to lunch" or "resting"

The Applicant did not traverse the Examiner's assertion. Therefore, the Official Notices are common knowledge and admitted prior art.

Ludwig et al. teach user's working situation (e.g. whether a user is working), displaying this information to a plurality of users at said plurality of users workstations (figures 2A-B, 38-40) and communicating with users in different windows via a dialog box (figure 2A-B, 8A-B, 38-40).

Regarding a "class organization button for displaying an organization chart", Ludwig et al. teach a "collaboration indicator" window controlled by GUI "buttons", that displays individuals within an organization in an arranged manner (figure 8C) such as a graphical, personal or system "rolodex" (column/line 18/60-19/18). Therefore, as a rolodex can be arranged by hierarchy (say) then it is at least obvious to one of ordinary skill that the images in the "collaboration indicator" window be arranged according to the users organizational structure. Further, Ludwig et al. provide a "whiteboard" button (figure 8C). Therefore, it is possible for a user to use said whiteboard to present "business" or "enterprise" data to other participants such as charts, graphs, or multimedia documents (column 3, lines 1-10; column/line 28/65-28/61).

Regarding a "virtual working schedule", as leaving messages regarding "vacation", "on the other line" and the like are well-known within the art of electronic business or corporate communications or messaging, it would have been obvious to one of ordinary skill to leave a message detailing a user's working hours or days the user is on leave or vacation.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 8-13, 16, 21, 23, 24, 28-33, 36, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294.

As per claim 1-5, 8-13, 16, 21, 23, 24, 28-33, 36 and 41, Ludwig et al. teach a distributed office system where remote users communicate using videoconferencing that displays an information aggregate including:

- user's working situation (e.g. whether a user is working) and displaying this information to a plurality of users at said plurality of users workstations (figures 2A-B, 38-40)
- displaying data (e.g. character data) regarding a user's work situation, operation content and/or name (figures 2A-B, 8A-B, 37)
- displaying character data that is updated on the basis of each user's operation (figures 2A-B, 36, 37, 40 and 41; column 15, lines 10-31; column 26, lines 15-35; column 27, lines 5-41)
- displaying a user office and diagram image (figures 38-40)
- selecting of a user to be displayed and controlling how data is displayed (figures 37-40; column/line 26/15-27/5)

- communicating with users in different windows via a dialog box (figure 2A-B, 8A-B, 38-40)
- selecting means for selecting another user's office, input means to visit another the selected users office, displaying the user's office including work situation and fixtures (figures 8A-C)
- a server device that makes calls to the registered number of a selected user via a telephone board (figures 20-24; column/line 18/33-20/33; column 20, lines 65-67; column 21, lines 11-35; column 25, lines 3-45)
- cameras for capturing user images, image compression, conversion, image transmission to a server device, image display on a terminal device (figures 1, 2A-B, 4, 18A-B, 21, 31A-C; column 10, lines 12-67; column 12, lines 45-55; column 17, lines 54-67; column 30, lines 11-67)

Regarding a "class organization button for displaying an organization chart", Ludwig et al. teach a "collaboration indicator" window controlled by GUI "buttons", that displays individuals within an organization in an arranged manner (figure 8C) such as a graphical, personal or system "rolodex" (column/line 18/60-19/18). Therefore, as a rolodex can be arranged by hierarchy (say) then it is at least obvious to one of ordinary skill that the images in the "collaboration indicator" window be arranged according to the users organizational structure. Further,

Ludwig et al. provide a "whiteboard" button (figure 8C). Therefore, it is possible for a user to use said whiteboard to present "business" or "enterprise" data to other participants such as charts, graphs, or multimedia documents (column 3, lines 1-10; column/line 28/65-28/61). Ludwig et al. do not teach a diagram image indicating an entrance door with a window for viewing a working situation nor does Ludwig et al. explicitly teach grouping users together by organization. However, Ludwig et al. do teach a window used to view a user's working situation and surroundings (figures 2A-B, 8A-B, 37; column 15, lines 17-23). Also, if a conference call is conducted between several organizations where each party is located in an onsite conference room at the party's respective organization, then it necessarily follows that the users belonging to the same organization are displayed in the same virtual office area (figures 37 and 38). Hence, as neither the "door" nor the "arrangement of images" provide additional functionality they are merely ornamental and/or a matter of design choice, therefore, it would have been obvious to one of ordinary skill of the art to use an office door icon instead of a face icon (figure 2A) to initiate and conduct videoconferencing and arrange videoconferencing participants on the screen by organization. Similarly, "... diagram images indicating the user's virtual single room office on the screen of the terminal device of the user" is also non-functional data. Therefore, it would have been obvious for a user to display on a user terminal device any image that the user that finds pleasing.

Regarding working situation display of a virtual user common space, this is taught by Ludwig et al.. Ludwig et al. implement their system using portable devices thus and therefore videoconferencing can take place anywhere. For example, Ludwig et al. teach a conference that includes an outdoors caller in Central Mexico (figure 42; column 38, lines 22-36). Regarding displaying at least two types of information for each user and a virtual room display means for displaying, for each user, diagram images indicating the user's virtual single-room office on the screen of the terminal device of the user, Ludwig et al. disclose a videoconferencing system where a workstation displays a user's working situation image and character information concerning the user's working situation (figures 2B, 8C, 22, 34, 36, 37, 40 and 41). Similarly, Ludwig et al. also provide display means for displaying the virtual office of the videoconferencing participants (figures 2B, 8C, 22, 34, 36, 37, 40 and 41). Ludwig et al. do not explicitly recite "single room office". However, as the system of Ludwig et al. display the user(s) in whatever environment he or she is (they are) in, be it indoors or outdoors (figures 2B, 8C, 40-42), it would necessarily encompass those participants who are broadcasting from a single room office.



5. Claims 6, 7, 18-20, 25-27 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294 as applied to claims 1 and 21 above, and further in view of Brunson et al., U.S. Patent No. 5,760,823.

Ludwig et al. teach a videoconferencing system that allows users simulate a face-to-face exchange over a remote network comprising: multimedia mail messages (column 6, lines 38-50; column 37, lines 57-67), management of videoconference calls that includes the system operating in "telephone mode" using telephonic techniques such as left messages, "hang up", "hold", "resume" and "refuse"(column 22, lines 1-43; column 23, lines 8-39; column/line 35/36-36/13), the use of a face icon corresponding to a user when the user is not communicating with a caller (column 23, lines 30-39), as well as video phones (figure 37; column 36, lines 1-15). Ludwig et al. also teach audio/visual messages that inform a user of the time of day or to remind the user of a time sensitive event (column 40, lines 26-33). However, Ludwig et al. do not specifically teach visual messaging. Brunson et al. teach a universal mailbox that stores incoming audio and video messages (abstract; figures 3, 6, 11-13; column/line 2/5-3/55) and receives input from audio and touch-tone ports and video workstations (column 5, lines 12-24). The system of Brunson et al. also operates like an answering service (such as Audix –column 6, lines 13-23) or machine in that a subscriber or user can leave a personal visual greeting (column

7, lines 5-40). Therefore, regarding a message that informs a caller that the desired party (i.e. user/subscriber) is "on vacation", "on the other line", "at a meeting", "out to lunch" or "resting" what have been obvious to one of ordinary skill as such greeting well known in the art of telephonic and/or electronic messaging. Hence, it is a matter of design choice as to what type of visual greeting the user or subscriber wishes to leave. Therefore, it would have been obvious to one of ordinary skill of the art to combine the teachings of Ludwig et al. and Brunson et al. The motivation is as follows:

By implementing the video messaging with the system of Ludwig et al., the Expert can inform (or remind) organizations of his consulting hours, in the event a call is placed outside the time he/she has allotted for advising clients ('294, column 40, lines 25-35).

6. Claims 14, 15, 17, 34, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294 as applied to claims 1 and 21 above, and further in view of Palmer et al., 6,195,683.

As per claims 14, 15, 17, 34, 35 and 37, Ludwig et al. teach a teleconferencing system that utilizes an architecture arrangement that accommodates users with varying multimedia handling capabilities (column 3, lines 42-50) and video workstations that receive video transmissions from laptop

at a reduced frame rate (column 38, lines 31-49). Regarding the displaying of a registered user's image when no camera is available, Ludwig et al. teach the use of laptops with reduced functionality (column 15, lines 1-9), registering of service applications (column/line 20/65-21/12) and arranging connections based on registered data (column 38, lines 31-40). The Examiner takes Official Notice that the displaying of a user's image during a two-way multimedia exchange are well known. For example, during cable and television news segments, if a foreign correspondent is at a location that doesn't support the transmission of video data, a station will often provide viewers with a still image of the foreign correspondent and a map identifying his or her whereabouts. Therefore, it would have been obvious to display a registered image of a client or co-worker using a laptop with reduced capabilities in order to identify him or her to videoconferencing participants and to prevent lewd or offensive material from being displayed. Ludwig et al. also teach the registration of service applications (column/line 20/65-21/12) and arranging connections based on registered data (column 38, lines 31-40). However, Ludwig et al. do not teach frame rate control. Palmer et al. teach a system that allows participants to optimize the delivery of multimedia content during video-teleconference (abstract). In particular, Palmer et al. allow users to control the frame rate of video content (figure 10, 21, 22; column/line 10/64-11/22; column 16, lines 40-60; column 17, lines 45-67; column 21, lines 7-

18). Therefore, it would have been obvious to combine the teachings of Ludwig et al. and Palmer et al. The motivation is as follows:

By providing users of the Ludwig et al. system with multimedia transmission controls high performance videoconferencing can be conducted in real-time and without regard to bandwidth ('683, column 5, lines 17-32).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and  
after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5,  
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application  
should be directed to the Group receptionist whose telephone number is (703)  
308-1113.

Calvin Loyd Hewitt II  
September 28, 2003



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600